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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,572	11/30/2000	Andrew Kuzma	042390.P9903	4316

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Chun M. Ng
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025-1026

EXAMINER

TABATABAI, ABOLFAZL

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 01/30/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,572

Applicant(s)

KUZMA, ANDREW

Examiner

Abolfazl Tabatabai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 28, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received:
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL ACTION

Response to Arguments

1. Applicant's amendment filed, on November 28, 2003, has been entered and made of record.
2. Applicant's arguments have been fully considered but they are not persuasive.
3. Applicant argues in essence that the prior art does not teach or suggest the watermark is itself used in any way to determine the quality of content delivered over a network.
4. Examiner disagrees and indicates that the prior art teaches the watermark is itself used in any way to determine the quality of content delivered over a network (column 11, lines 56-67 and column 12, lines 1-12).
5. Applicant argues in essence that the prior art does not teach or suggest quality control function.
6. Examiner disagrees and indicates that the prior art teaches quality control function (column 54, lines 4-13 and column 66, lines 15-25).
7. Applicant argues in essence that the prior art does not teach or suggest at least one monitor station to receive said content over said network.
8. Examiner disagrees and indicates that the prior art teaches at least one monitor station to receive said content over said network (column 33, lines 63-67; column 53, lines 60-64 and column 67, lines 39-46).

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9. Applicant argues in essence that the prior art does not teach or suggest analyzing said digital watermark of said distributed content for information indicative of the quality of said distributed content.

10. Examiner disagrees and indicates that the prior art teaches analyzing said digital watermark of said distributed content for information indicative of the quality of said distributed content (column 42, lines 37-67 and column 43, lines 1-18).

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1-4,8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dawns et al (U S 6,226,618 B1).

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Regarding claim 1, Dawns discloses a method and apparatus of securely providing data to a user system which comprising:

a content server connected to a network, said content server capable of delivering content over said network (column 79, lines 59-67 and column 81, lines 10-17) said content containing a digital watermark (column 7, lines 41-55); and,

at least one monitor station to receive said content over said network and analyzing said digital watermark (column 7, lines 41-55) for information indicative of degradation of said content (column 22, lines 2-8).

Regarding claim 2, Dawns discloses the system wherein said network is the Internet (column 23, lines 11-18).

Regarding claim 3, Dawns discloses the system wherein said content is multimedia content (column 6, lines 45-48).

Regarding claim 4, Dawns discloses the system wherein further including a content server monitor station to receive said content directly from said content server and analyzing said digital watermark (fig. 15A element 1510 and column 7, lines 41-55).

Regarding claim 8, Dawns discloses a method and apparatus of securely providing data to a user method, comprising:

integrating a digital watermark into content (column 6, lines 48-51);

distributing said content over a network as distributed content (column 23, lines 1-20 and column 70, lines 33-39);

receiving said distributed content in at least one location of said network (column 69, lines 1-17);

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analyzing said digital watermark of said distributed content for information indicative of the quality of said distributed content (column 11, lines 62-67 and column 22, lines 9-24).

Regarding claim 9, Dawns discloses the method including analyzing said content prior to distribution over said network for information indicative of the quality of said content (column 54, lines 4-13).

Regarding claim 10, Dawns discloses the method including comparing the information indicative of the quality of said distributed content to the information indicative of the quality of said content (column 44, lines 6-22).

Claim 11, is similarly analyzed as claim 8 above.

Claim 12, is similarly analyzed as claim 9 above.

Claim 13, is similarly analyzed as claim 10 above.

Claim 14, is similarly analyzed as claim 1 above.

Claim 15, is similarly analyzed as claim 2 above.

Claim 16, is similarly analyzed as claim 3 above.

Claim 17, is similarly analyzed as claim 4 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5, 6, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawns et al (U S 6,226,618 B1) as applied to claims 1 and 14 above, and further in view of Kawaguchi et al (U S 6,473,516 B1).

Regarding claim 5, Dawns is silent about the specific details regarding the system wherein said digital watermark is a checkerboard pattern or a gray-scale image. In the same field of endeavor, however, Kawaguchi teaches large capacity steganography comprising digital watermark is a checkerboard pattern or a gray-scale image (see column 4, lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use checkerboard pattern as taught by Kawaguchi in the system of Downs because Kawaguchi provide Downs a technique for hiding confidential information in a color image that is not based on a programming technique, but rather on a property of a human vision system. This technique provides an information hiding capacity of as much as 50% of the original image data and some circumstances, may provide hiding capacities in excess of 50%.

Regarding claim 6, Dawns is silent about the specific details regarding the apparatus wherein said content server is a broadcast operations center to serve content to a plurality of edge serving sites.

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In the same field of endeavor, however, Kawaguchi teaches large capacity steganography comprising content server is a broadcast operations center to serve content to a plurality of edge serving sites (see column 7, lines 8-20).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use checkerboard pattern as taught by Kawaguchi because a technique for hiding confidential information in a color image that is not based on a programming technique, but rather on a property of a human vision system. This technique provides an information hiding capacity of as much as 50% of the original image data and some circumstances, may provide hiding capacities in excess of 50%.

Claim 7, is similarly analyzed as claim 6 above.

Claim 18, is similarly analyzed as claim 5 above.

Claim 19, is similarly analyzed as claim 6 above.

Other prior art cited

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

U. S. Patent (6,385,329 B1) to Shama et al is cited for wavelet domain watermarks.

U.S. Patent (6,041,041) to Rammanathan et al is cited for method and system for managing data service systems.

U S. Patent (6,453,420 B1) to Collart is cited for system, method and article of

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manufacture authorizing the use of electronic content utilizing a laser-centric medium.

U S. Patent (5,946,103) to Curry is cited for halftone patterns for trusted printing.

Conclusion

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

17. any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

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The examiner can normally be reached on Monday through Thursday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Bhavesh Mehta M, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for **formal** communications; please mark

"EXPEDITED PROCEDURE")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

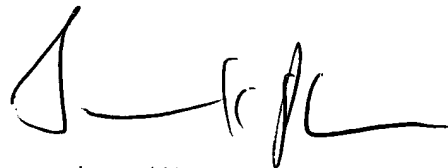
Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750

Abolfazl Tabatabai

Patent Examiner

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January 28, 2004

A handwritten signature in black ink, appearing to read 'Jayanti K. Patel', with a stylized flourish at the end.

Jayanti K. Patel
Primary Examiner